THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.762 of 1999

ORAL ORDER:

This Writ Petition is filed seeking a Certiorari to call for the records relating to the Order dated 14-2-1997 passed in M.P.No.29 of 1994 on the file of Industrial Tribunal-cum-Labour Court, Warangal.

Petitioner is the Management. Respondent No.1 is the workman.

It appears, 1st respondent filed a petition under Section 33-C(2) of the Industrial Disputes Act,1947 (for short 'the Act') praying the Tribunal to determine the amount due to him towards difference of wages for the period from 1-7-1992 to 30-11-1993 amounting to Rs.9350/-. It was his case that he was appointed on daily wage basis on payment of Rs.45/- per day. But, he was paid only Rs.800/- instead of Rs.1350/- per month. Therefore, he is entitled for the difference of wages from 1-7-1992 to 30-11-1993 amounting to Rs.9350/-. Counter was filed by the petitioner-management before the Tribunal denying the allegations made by the 1st respondent herein.

Before the Tribunal, on his behalf, the workman examined himself as W.W.1 and got marked Exs.W1 to W4. On behalf of the Management M.W.1 was examined, but no documents were filed. After considering the entire evidence placed before it, the Tribunal found that the workman made out a ground to claim the relief of difference of wages amounting to Rs.9350/- and thus allowed the claim petition. Challenging the same, the Management filed the present Writ Petition.

Heard both sides.

Ex.W1 is the statement showing the casual labour payment as on 31-12-1992 and Ex.W4 is the attendance register sheet (5 in

number). The name of the workman finds place in the attendance register-Ex.W4 and Ex.W1 shows that he was appointed on daily wage basis to be paid at Rs.45/- per day. Further, the workman was also issued with identity card under Ex.W3 and also bus pass under Ex.W2 for the said period. Under those circumstances, the Tribunal disbelieved the statement of the Management that the workman never worked during that period and directed payment of difference of wages from 1-7-1992 to 30-11-1993 amounting to Rs.9350/-. The claim of the 1st respondent-workman was established and there is any amount of evidence to show that he worked during the said period. I am of the opinion that the Tribunal has not committed any error calling for interference of this Court under Article 226 of the Constitution of India. Therefore, the Writ Petition is devoid of any merit and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

24-10-2007

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